

Exhibit 15

Troy Aurelius Titus Declaration

1. My name is Troy Aurelius Titus. I am incarcerated at Butner LSCI (“Low”), in housing unit Vance B, at FCC Butner. My Bureau of Prisons Register Number is 58299083.

2. I am 54 years old.

3. I entered BOP custody on October 6, 2010. I am serving a 30-year sentence for wire fraud. My projected release date is January 8, 2035.

4. I have no medical conditions.

5. Our unit has been on lockdown since around mid-March 2020, following a week or two of partial lockdown.

6. If we are not on a work detail, we are on lockdown inside the unit 24 hours a day. People on work details have been leaving the unit for work through May 19th, 2020.

7. We are not allowed to leave the unit to go to the outdoor recreation area, the education center, which houses classrooms, a typing room, LEXIS computers, and a library, the dining hall, the religious services area, the commissary, the medical center, the vocational training area, or visit the work areas, unless you are a qualifying inmate working in that post.

8. We have not been able to have any visitors since about early March.

9. I am housed in a dormitory-style housing unit in cubicles. In my unit, there are 62 cubicles. Seven cubicles are occupied by a single person with a hospital bed and a wheelchair. Two cubicles are slightly smaller and are occupied by two men with bunked beds. The rest of the cubicles are 80 square feet. Eight of these cubes have two men, the remaining 45 house three men.

10. On the morning of May 20th, 2020 our unit officer count reported 141 men in my unit. Prior to lockdown, there were about 160 men in my unit on any day.

11. Currently, two of the cubicles for men using wheelchairs are vacant. Since March, some men have left the unit because of compassionate release, scheduled released, FMC, and death; since then, we received one new inmate. Most three-person cubicles still have three men.

12. My cubicle was occupied by three people until last week, when one person was released on compassionate release.

13. Each cubicle contains a bunk or bed, lockers, and a plastic armchair, which take up most of the floor space. In the 45 cubicles that house three people each, the remaining available floor space is less than 20 square feet. Our cubicles are divided by half walls about five and a half feet high and do not have doors.

14. In my cubicle, I am always less than six feet of another person, whether lying down or sitting up or standing. These include my up to two cubemates and the inmate in the neighboring cubicle on the close side of the dividing wall. The top bunk of a neighboring cubicle is at the top of our common half wall.

15. We line up to receive medications, make sick-call or phone calls, send emails, take showers, use the toilets, and eat our meals.

16. The lines for meals are the longest, with thirty to eighty incarcerated men in line at one time. People are usually within a foot of one another while waiting in lines.

17. We cannot social distance anywhere, but it is particularly hard to maintain distance in hallways, bathrooms, and what little common areas we have access to.

18. Everyone in the housing unit shares about 12 toilets, 12 showers, and 10 sinks total in two bathrooms; of those, there are two accessible toilets and one working accessible shower for inmates with disabilities. The toilets are less than three feet from each other. The showers are about three from each other. The sinks are about two feet or less from each other. We are shoulder to shoulder at the sinks. People are in very close contact in the bathrooms. The bathrooms are cleaned twice a day, but they become dirty again very quickly because of the number of people using them.

19. There are eight phones for the housing unit. The phones are about two feet apart. As of about May 19, 2020, two phones can be in use at any given time for 10 minutes at a time. People wait about 30-60 minutes in line to use the phone. There is no social distancing in the phone lines. The phones are cleaned once in the morning. It is up to the person using the phone to do their best to clean it if they choose to. However, we are not given cleaning products to use for this.

20. There are five computers in a computer room. The computers are pretty much always in use. People wait around, close to each other, outside the computer room while they wait to get on the computer. The computers are supposed to be cleaned once in the morning. They are not cleaned in between uses.

21. There is no place to stay safe from the possibility of catching a virus.

22. Beyond the cramped nature of the LSCI facility that makes it impossible to socially distance, our facility has not been isolated from Covid-19 cases outside FCC Butner or in other facilities on the Butner Complex.

23. LSCI staff live and shop in surrounding cities and work across the Butner Complex.

24. For some time, it appeared to me that Butner Complex staff were not tested for Covid-19 before entering the Butner facilities to report for work. Only in the past two to three weeks have I started seeing colored wristbands that appear to indicate that a staff member has been tested. At least one officer stopped wearing a mask once he got a wristband. Other officers with wristbands are increasingly lax about how often they wear a mask. We have no way of knowing if staff temperatures are being checked regularly, or how frequently they are being tested.

25. Several staff members have failed to wear their face-masks while on duty.

26. Of those staff members who do wear masks, many have pulled their mask down to yell announcements within two to three feet of a crowd or line of incarcerated people since late March.

27. We were provided two face masks in late March. The face masks provided to inmates here are not N95-type protective masks, but made of thin, porous material. Not everyone wears their masks when moving around the unit or standing in line.

28. There is no source for repair or replacement of damaged or lost masks. We are not given gloves.

29. Incarcerated men are still not provided with disinfectant, other than orderlies. The chemicals that are provided to orderlies are not labeled and recently appear to consist of watered-down bleach-alternative. We are not provided with hand sanitizer, chemical disinfectant wipes, or any other supplies to keep our cubicles clean.

30. In the last few days, we were told that starting this Thursday, May 21, 2020 at 1:00 p.m., our unit will be moved outside for 60-90 minutes while our cubes are sprayed with disinfectant. We were told that this will occur about weekly from now on. However, they have postponed the disinfecting of units because of rain.

31. Many LSCI inmates have already been infected. In about mid-March, two inmates arriving at Butner Complex were quarantined in the SHU for 14 days before being transferred to two different housing units Vance A and Durham B at LSCI Butner. Shortly afterwards, they exhibited Covid-19 symptoms, the specific symptoms of which I am not sure, and were moved back to the SHU, per the facility's procedure to move any individual who exhibited a fever into isolation. I learned this from a fellow inmate who learned this while talking to a Butner staff member. The inmate in question talks candidly and frequently with staff members here, rapport gained from many years spent at Butner Complex.

32. Shortly thereafter, other incarcerated men in those two units started coming down with temperatures and were taken away to quarantine. I and others in my housing unit saw through our windows that about nine men were taken out of the Durham B housing unit.

33. Vance A's official unit officer count has moved from the low 160s to the high 130s since the lockdown. I have seen several Vance A inmates moved to the SHU. Vance A's count as of May 19, 2020, was 137. As of May 21st, this number was 132.

34. The inmate population in my unit is not being routinely tested for Covid-19. Until May 19th, men working limited work details were checked sporadically for a fever. Men are supposed to be checked daily before going to work but some do not attend the check and it is not enforced.

35. Men in confirmed infected units are being tested daily for fever. I know this because I have heard announcements on the intercom telling inmates in adjoining units of this same building to report to their cubes for temperature checks.

36. On May 20th, 2020, men in my unit were ordered to return to our cubicles for a temperature check. At least one inmate was removed during that check. Not all inmates were checked. I saw at least one inmate avoiding the check altogether. Staff did not follow usual protocols to ensure men were in their cubes and stayed in their cubes during the temperature check.

37. Although inmates have been locked down in eight separate units across LSCI, the following work details have intermingled daily while at work for roughly eight to nine weeks until the last few days when a total lockdown was imposed on six of the eight Butner Low units. Until the last few days, Vance A and Granville B inmates worked at the medical center; Vance B and Granville B inmates worked in UNICOR; Durham B, Durham A, and Vance B inmates worked in laundry; Granville B, Durham A,

and Vance B inmates worked in food service; Vance B and Granville B inmates worked at the commissary; and Wake B and Vance B inmates worked in safety. Only Wake A inmates have not been working with inmates from another unit. This intermingling was constant for eight or nine weeks after the first confirmed case of Covid-19. I know this because I talk with the Vance B inmates who have work details and inquire about what other units are working in their details. I was told about who is working at the medical center by another person who personally observes daily who is working where while he is on work detail.

38. Because of the increased spread of infection, as of May 18, 2020, only Durham B and Vance B were allowed to send inmates to their work details.

39. As of May 19th, 2020, there were 144 men in my unit. On May 19th, 2020, five men were taken out of the unit because they were showing symptoms of Covid-19, including a 65-year-old man who was removed after falling out of bed this morning. He, along with other men in this unit, have been reporting fevers, chills, cold sweats, and coughs. Only two of the men returned to the unit.

40. As of May 19, 2020, inmates returning from UNICOR shared that they were informed by BOP staff that UNICOR is now shut down until further notice. At this time, to my knowledge, only UNICOR has been shut down.

41. On May 18, 2020, inmates from all four units in my building – Vance A, Vance B, Durham A, and Durham B – were called for Ramadan meal pick-up at the same time, causing intermingling of non-infected units with infected units. One of the four unit officers, Officer Vargas, refused to send people from his unit at the same time.

42. Besides work-related cross-contamination, there is cross-contamination between units by medical staff. Medical staff frequently do not change masks, gloves, shoes, clothing, or do anything to disinfect themselves as they move from one unit to the other. I have witnessed medical staff moving between Vance A and Vance B through a connecting interior hallway separated by two sets of doors with windows in the doors. They move from one unit to the other without taking any precautions to decontaminate themselves or their cart of supplies and medications. These same staff members often do two to three pill calls per shift per unit, during which they distribute medication to inmates who require it. I observe how pill call is conducted nearly daily as it is conducted for Vance B inmates in the front of my housing unit.

43. Shortly after the lockdown, all individuals incarcerated here were barred from purchasing several over-the-counter medications from the commissary, including aspirin and other pain relievers, fever and inflammation reducers.

44. The rationale for this exclusion provided to us by Butner Medical was to prevent fevers in the prisoner population from going undetected.

45. Many of the men in my unit are elderly or have chronic illnesses and disabilities. I know several people who take pain relievers from the commissary regularly to manage their pain. Some of these men try to get pain medication from Butner Medical, but they are told to purchase them from the commissary. They have not been able to do this now that the medications are not for sale.

46. BOP's response to the Covid-19 pandemic has not appeared to comply with CDC guidelines nor be consistent with CARES Act authorizations or

Attorney General Barr's March 26, 2020 and April 3, 2020 directives to BOP. With the passage of the CARES Act and release of Attorney Barr's directives, I was hopeful that people from Butner and from my unit would be transferred to home confinement, which would improve the ability to practice social distancing for those who remain within the facility.

47. Based on my observations of people in my unit, and conversations with them, I estimate that about 70% are at an elevated risk of death from Covid-19. I know of men in my unit who have Type II diabetes, autoimmune disease, heart disease, lung disease, liver disease, kidney disease, and those with organ transplants on immunosuppressant medications. Many inmates housed at LSCI have been issued oxygen tanks, and many must use the nebulizers provided.

48. However, to my knowledge, no inmates have been transferred to CARES Act home confinement from LSCI Butner.

49. Although I have never filed a grievance, I am familiar with many inmates' filings and know that BOP works hard to routinely resist, delay, and deny them.

50. On about May 10th, a paper notice was posted in my housing unit informing us that there was a delay in processing Administrative Remedies requests because they had too many requests to handle. The announcement told us to stop filing administrative remedies until further notice.

51. I am filing this lawsuit to ask the court to enter an order that requires FCC Butner release a sufficient number of inmates so that we can socially distance and comply with CDC guidelines. Although I do not expect to be among those transferred to home confinement if such an order is entered, I am committed to trying to help the men I live with. FCC Butner has already lost several inmates to death by Covid-19, and dozens are confirmed infected. I suspect many more are already infected and many more will die if the court fails to help us.

52. I understand that being a class representative in this lawsuit means I will have to make decisions not just in my own interest, but also in the interest of the other people in the class, and I accept that responsibility.

I, Sarah Hinger, certify that I reviewed the information contained in this declaration with Mr. Titus by telephone on May 21, 2020, and that he certified under penalty of perjury that the information contained in this declaration was true and correct to the best of his knowledge.

/s/ Sarah Hinger

Sarah Hinger
American Civil Liberties Union
125 Broad St. 18th Fl.
NY, NY 11231